

R E M A R K S

By this Amendment claim 1 has been amended to include the features of claims 3 and 4 (now canceled), claims 5 and 6 have been amended relative to their dependencies, claim 7 has been rewritten into independent form and corrected, claim 8 has been revised, claim 16 has been rewritten into independent form and claim 9 canceled, claims 10-15 have been made dependent on claim 16, claim 13 has been improved, and new claim 17 has been added (identical to amended claim 8 but dependent on claim 1). Entry is requested.

In the outstanding Office Action the examiner has objected to the drawings under 37 C.F.R. 1.83(a) as failing to show angle beta, which ranges from 20 to 40 degrees.

This objection is without merit insofar as Fig. 7 shows this angle β .

The examiner has rejected claims 1-3, 9-11, 13 and 14 under 35 U.S.C. 103(a) as being unpatentable over Molteni et al. in view of Schantz. In addition, he has rejected claims 4-6 under 35 U.S.C. 103(a) as being unpatentable over Molteni et al. in view of Schantz and Arai et al., he has rejected claim 8 under Molteni et al. in view of Schantz and Levy, he has rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Molteni et al. in view of Schantz and Waldo, and he has rejected claim 15 under U.S.C. 103(a) as being unpatentable over Molteni et al. in view of Schantz and Brooks.

The examiner indicates that claims 7 and 16 define allowable subject matter.

The inventor thanks the examiner for his indication of allowable subject matter. However, he does not agree that the examiner's rejections can be applied to the amended claims.

Molteni et al. disclose a positioning apparatus and method for transversal dental X-ray tomography. However, the positioning device is not used in a panoramic X-ray device for taking a panoramic picture but in dental X-ray transversal tomography, see col. 4, line 21 to 33. The difference is that for a panoramic exposure the X-ray device is turned around the patient's head at an angle of about 180 degrees, whereas in the dental X-ray transversal tomography the angle of scan is some degrees, perhaps up to five degrees, to take a picture which is perpendicular to the panoramic picture, for example, of a molar.

The result is that it is very easy to use complicated and complex positioning devices in dental X-ray transversal tomography which cannot be used to take a panoramic picture.

Schantz discloses a holder of a X-ray film to take an intraoral exposure, thus no panoramic image. The film is inside the mouth and it is possible to detect the angular position to the holder. It is not the plate which exhibits the bite piece which is pivoted, but the support frame of the film is pivoted.

Also, Waldo and Levy deal with intraoral exposures and not with panoramic X-ray devices.

Thus, the combination of the intraoral pivotable film holder of Schantz would not lead to a bite device with a pivotable plate which exhibits the bite piece. A person of ordinary skill would not combined these patents.

The teaching of Arai et al. involves positioning the device in the directions x, y and z. There are no means to pivot the bite device.

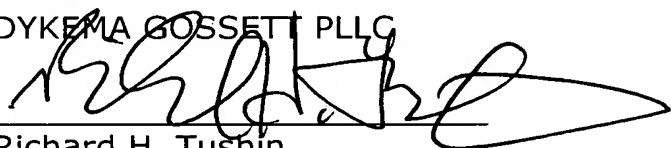
Also, the combination of Molteni et al. and Arai et al. does not suggest a pivotable plate depending on the position of the holding member, since the pivotable plate of Molteni et al. is fixed.

The examiner's rejections should be withdrawn and the presented claims allowed.

Respectfully submitted,

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